

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re: :
UNITED STATES OF AMERICA, : Docket #1:15-cr-00866-
Plaintiff, : WHP All Defendants
- against - :
CLARK, ROGER THOMAS : New York, New York
Defendant. : June 15, 2018
----- : PRESENTMENT HEARING
:

PROCEEDINGS BEFORE
THE HONORABLE JUDGE GABRIEL W. GORENSTEIN,
UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

APPEARANCES:

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Proceedings recorded by electronic sound recording;
Transcript produced by transcription service

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<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- Direct</u>	<u>Re- Cross</u>
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None

E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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None

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2 THE CLERK: United States v. Roger Clark.

3 Counsel, please state your name for record.

4 MR. MICHAEL D. NEFF: Good afternoon, your Honor.

5 Michael Neff and Richard Cooper for the government, joined
6 at counsel table by FBI Special Agent Sam Sherani; IRS
7 Special Agent Gary Alford; and FBI Task Force Officer Mark
8 Rubens.

9 MR. RICHARD A. COOPER: Good afternoon, your
10 Honor.

11 MS. STEPHANIE M. CARVLIN: Good afternoon, your
12 Honor. Stephanie Carvlin with Roger Thomas Clark.

13 HONORABLE GABRIEL W. GORENSTEIN (THE COURT): All
14 right, may I have the time and date of arrest?

15 MR. NEFF: Yes, your Honor, the defendant was
16 arrested in Thailand, contested extradition and ultimately
17 was extradited from Thailand to the United States, arriving
18 in the district this afternoon.

19 THE COURT: Is this ready for arraignment?

20 MR. NEFF: Just presentment, your Honor.

21 THE COURT: Sir, I'm Judge Gorenstein. I'm going
22 to begin by telling you you are not required to make any
23 statements to the authorities. Anything you said to them
24 could be used against you. If you are not a United States
25 citizen, you may request that a government attorney or a

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law enforcement official notify a consular officer from your country that you have been arrested. Even without a request, notification may be required by a treaty.

You have the right to be represented by an attorney. If you cannot afford one, you have the right to request that the Court appoint one for you.

I have before me a Financial Affidavit form that you have signed under penalty of perjury. Based upon the statements that you've made on this form, I'm approving the appointment of counsel.

I have before me an indictment that contains the charges in this case. The charge in Count 1 is that from January 2011 to October 2013, you conspired with others to distribute by means of the internet controlled substances, specifically, a kilogram or more of heroin; five kilograms or more of cocaine; 10 grams or more of LSD; 500 grams or more of substances containing methamphetamine.

The charge in Count 2 is that in that same time period, that you distributed or possessed with intent to distribute the same drugs.

The charge in Count 3 is that you distributed narcotics by means of the internet in the same time period. Once again, the same drugs.

Count 4 is conspiracy to commit or aid and abet

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computer hacking, again in the same time period.

The charge in Count 5 is conspiracy to traffic in fraudulent identification documents, same time period.

The charge in Count 6 is conspiracy to commit money laundering, again in the same time period.

Counsel, have you seen this indictment?

MS. CARVLIN: I have, your Honor. I've reviewed it with my client. We waive the public reading.

THE COURT: All right, I understand there's consent to detention without prejudice to future application for bail, is that correct?

MS. CARVLIN: That is correct.

THE COURT: All right, that's so ordered.

Anything else from the government?

MR. NEFF: Your Honor, I'd just put on the record there is an initial conference scheduled before Judge Pauley on Tuesday afternoon, June 19, at 4:30 PM. The government seeks to exclude time between today and Tuesday for, among other reasons, so that the parties can begin discussing a possible protective order and perhaps negotiations about a potential disposition.

THE COURT: Do you wish to be heard on the application?

MS. CARVLIN: I don't object, your Honor, on the

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grounds that we would have time to discuss the possible disposition in the case.

THE COURT: All right, I grant the exclusion because I find the ends of justice outweigh the best interests of the public and the defendant in a speedy trial based upon the need to discuss disposition

Anything else from the government?

MR. NEFF: No, your Honor.

THE COURT: From defense counsel?

MS. CARVLIN: No, your Honor.

THE COURT: Thank you, everyone.

(Whereupon, the matter is adjourned.)

C E R T I F I C A T E

I, Carole Ludwig, certify that the foregoing transcript of proceedings in the case of United States of America v. Clark, Roger T., Docket #15-cr-00866-WHP, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature_____

Carole Ludwig

Date: August 13, 2018